

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JOSEPH A. FERRARA, Sr., et al.,
Plaintiffs,

- against -

ILEANA TRUCKING,
Defendant.

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**REPORT AND
RECOMMENDATION**

09-CV-5079 (DLI) (JO)

JAMES ORENSTEIN, Magistrate Judge:

On April 8, 2011, the plaintiffs in this action secured a judgment against defendant Ileana Trucking, LLC ("Ileana Trucking"). In support of their subsequent efforts to collect the amount awarded, they have properly made post-judgment discovery requests of both Ileana Trucking and its principal, Ileana Sandiford ("Sandiford"). Both Ileana Trucking and Sandiford have ignored those requests, and have likewise ignored my repeated orders that they attend court conferences to litigate the plaintiffs' efforts to enforce them. The plaintiffs therefore now ask the court to adjudge both Ileana Trucking and Sandiford in contempt of court, for reasons further detailed in the proposed order they have submitted. Docket Entry ("DE") 24. Specifically, the plaintiffs ask the court to impose a coercive civil sanction of \$500 per day on both Ileana Trucking and Sandiford, jointly and severally, until such time as they comply with the discovery requests. The plaintiffs further ask the court to order that continued noncompliance may result in an increased monetary fine and/or possible incarceration. For the reasons set forth in the proposed order, DE 24, I respectfully recommend that the court grant the requested relief.

I direct the plaintiffs to serve a copy of this Report and Recommendation on each defendant by certified mail, and to file proof of service no later than August 26, 2011. Any objections to this Report and Recommendation must be filed no later than September 6, 2011. Failure to file objections within this period designating the particular issues to be reviewed waives the right to

appeal the district court's order. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010).

SO ORDERED.

Dated: Brooklyn, New York
August 19, 2011

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge